

REMARKS

Claims 49-96 were pending in the application. Claims 55, 76, and 89 have been cancelled. Claims 97-99 have been added. Claims 49-54, 56-75, 77-88, and 90-99 are currently pending in the application.

35 U.S.C § 102 and § 103 Rejections:

Claims 59, 51, 55, 57, 73, 74, 76, 80-83, and 85 were rejected under 35 U.S.C. § 102(b) as being anticipated by Mihara, U.S. Patent 5,481,757. Claims 50, 56, 75, 77-79 and 84 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Beyer, U.S. Patent 5,235,619. Claims 52-54 and 86-89 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Mihara in view of Hendricks, U.S. Patent 6,828,993. Claims 55, 76, and 89 have been cancelled and thus their rejection is believed moot. With respect to the subject claims still pending, Applicant respectfully traverses these rejections.

With respect to the § 102 rejections, the cited reference does not teach all of the elements of the independent claims. Mihara teaches a two-way communication CATV system having a CATV broadcasting station, a relay device, and a plurality of CATV terminal devices. The CATV terminal device in the two-way communication CATV system includes a storing device for storing a recognition number, a frequency determining device for determining the frequency of a broadcasting signal transmitted from the relay device, and a recognition number setting device for determining a recognition number depending on the frequency determined by the frequency determining device and storing the determined recognition number in the storing device.

Applicant's independent claim 49 recites, in pertinent part:

“A method for controlling access to a continuous stream of a content transmitted over a plurality of communication paths, the method comprising:
transmitting from a server a plurality of notifications for determining a sequence of transmission of said continuous stream of said content via a plurality of communication paths ...

obtaining by said client said continuous stream of said content by **automatically switching communication paths** in accordance with said sequence of transmission of said content **based on said plurality of obtained notifications**” (Emphasis added).

Independent claim 83 recites a similar combination of features.

Applicant’s independent claim 73 recites, in pertinent part:

“A method for controlling access to a content transmitted over a plurality of communication paths, the method comprising:

transmitting to a subset of a plurality of clients in a secure manner **mapping information for a content transmitted over said plurality of communication paths to said plurality of clients** ...

signaling said subset of said plurality of clients with modified mapping information on a repeated basis during a course of a viewed presentation; and **switching automatically by said subset of said plurality of clients to a modified communication path** of said plurality of communication paths **based on said modified mapping information**” (Emphasis added).

Mihara does not teach or suggest these combinations of features. In the office action, the Examiner contends that Mihara teaches obtaining said plurality of parts of said content by automatically switching communication paths in accordance with said sequence of transmission of said content based on said plurality of obtained notifications (Mihara, col. 11, lines 9-16 and 31-33). The Examiners further contends that Mihara teaches switching automatically by said subset of said plurality of clients to a modified communication path based on said modified mapping information (Mihara, col. 13, lines 40-67). Applicant respectfully disagrees and can find no teaching or suggestion of **automatically switching communications paths in accordance with a sequence or switching automatically to a modified communication path based on said modified mapping information** in the disclosures of Mihara cited by the Examiner, nor can

applicant find any teaching or suggestion of these combinations of features elsewhere in Mihara. Accordingly, Applicant submits that the standard for anticipation has not been met and thus respectfully requests removal of the 35 U.S.C. § 102(b) rejection.

With regard to the 35 U.S.C. § 103(a) rejections, Applicant submits that each of the claims subject to one of these rejections is dependent upon one of the independent claims discussed above and is thus believed allowable for at least the same reasons.

Patentability of the Added Claims:

The present amendment adds claims 97-99. Applicant submits that no new matter has been added and that the added claims are fully supported in various points of the specification (e.g., Page 9, line 17 to page 10, line 3). Each of claims 97-99 depends from one of the independent claims discussed above, and is thus believed allowable for at least the same reason.

Allowed Claims:

Claims 58-72 and 90-96 were allowed. Applicant appreciates Examiner's consideration of these claims.

CONCLUSION

Applicants submit the application is in condition for allowance, and an early notice to that effect is requested.

If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/6000-04802/EAH.

Respectfully submitted,



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